

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
NO. 5:13-CR-00042-RLV-DSC**

UNITED STATES OF AMERICA,)
)
)
)
)
v.)
)
MAURICIO MARIO BALTAZAR,)
)
)
Defendant.)

ORDER

THIS MATTER is before the Court on Defendant's pro se letter requesting new counsel (document # 14) filed on September 11, 2013. The Court held a hearing in this matter on September 18, 2013.

During the hearing, the Court heard from Defendant, appointed counsel Richard Beam, and the Government. Defendant complains that counsel has not met with him in the jail and has failed to return calls and e-mails from family members. Mr. Beam represented that he has made three visits to the jail, and reviewed discovery and plea offers with the Defendant. Mr. Beam is continuing plea negotiations with the Government. His staff has not received phone messages or emails from anyone on Defendant's behalf. Mr. Beam represented that he can continue to represent the Defendant effectively. The Government stated that its plea offers would not change if new counsel were appointed.

The Court advised Defendant that he is entitled to appointed counsel, but not to counsel of his choice. The Court acknowledged the serious nature of the charges and penalties that

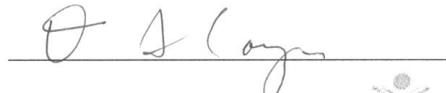
Defendant faces, but advised him that appointment of new counsel would not change these circumstances.

“Because the right to choose counsel is not absolute, it necessarily follows that a defendant does not have an absolute right to substitution of counsel. As a general rule, a defendant must show good cause in requesting a new appointed lawyer.” United States v. Mullen, 32 F.3d 891, 895 (4th Cir. 1994). Here, Defendant’s assertions do not establish good cause for the Court to appoint new counsel. Based upon the foregoing, the Court finds no basis to remove Mr. Beam as appointed counsel.

The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Richard L. Voorhees

SO ORDERED.

Signed: September 18, 2013



David S. Cayer
United States Magistrate Judge
